

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA15/0792
<b>Proposed development:</b>	Demolition of Existing Structures, Construction of Attached Dual Occupancy & Strata Title Subdivision x 2 Lots
<b>Property address:</b>	24 Coonawarra Drive, ST CLAIR NSW 2759
<b>Property description:</b>	Lot 2008 DP 261356
<b>Date received:</b>	20 July 2015
<b>Assessing officer</b>	Brooke Levingston
<b>Zoning:</b>	Zone R2 Low Density Residential - LEP 2010
<b>Class of building:</b>	Class 1a
<b>Recommendations:</b>	Approve

### Executive Summary

---

Council is in receipt of a development application for the demolition of an existing dwelling house and the construction of an attached dual occupancy at 24 Coonawarra Drive, St Clair. The application also seeks consent for Strata Subdivision x two (2) lots. Under Penrith Local Environmental Plan 2010 the proposal is defined as a dual occupancy and is a permissible use in the R2 zone with consent.

The key issue identified for the proposed development centered on the proximity of the proposed driveways to an existing stormwater drainage pit; this has been resolved through an alternate driveway configuration. The proposed driveway configuration provides a suitable outcome for the development.

The application was notified to adjoining and surrounding properties and no submissions were received in response.

An assessment under Section 79C of the Environmental Planning and Assessment act 1979 has been undertaken and the application is recommended for approval subject to recommended conditions.

### Site & Surrounds

---

The subject site is situated on the southern side of Coonawarra Drive, St Clair, 480m west of Erskine Park Road. The site is 661m<sup>2</sup> in area, regular in shape and is oriented in a north-eastern direction. The site has a frontage of 22.68m and slopes from the rear to the street.

A site inspection was undertaken and the site is currently occupied by a single storey residential dwelling.

The surrounding area is predominately characterised by low density residential development, with a park 110m to the south-west and a primary school 270m to the north-east.

## Proposal

---

The applicant seeks approval from Council for the following:

- Demolition of an existing single storey dwelling;
- Construction of 2 x 2 storey attached dwellings, with each dwelling incorporating a garage, 4 bedrooms, a kitchen, living and dining areas, and bathroom and laundry facilities;
- Construction of two driveways off Coonawarra Drive to service each dwelling;
- Strata Title Subdivision to create two (2) lots with associated yards contained within each unit entitlement;
- Associated landscaping and drainage works.

## Plans that apply

---

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2010
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

---

### • Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration.

### Section 79C(1)(a)(i) The provisions of any environmental planning instrument

#### **Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

An assessment has been undertaken of the application against relevant criteria within Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997). This policy aims to protect the environment of the Hawkesbury-Nepean River by ensuring that the impacts of future land uses are considered in a regional context. The site is located within an established residential area and is not within a scenic corridor of the river. As such, it is considered the proposed development will not compromise the water or scenic qualities of the river environment. Therefore, the application is satisfactory subject to recommended conditions of consent.

#### **Local Environmental Plan 2010 (Amendment 4)**

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.6 Subdivision - consent requirements	Complies - See discussion
Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 5.9 Preservation of trees or vegetation	Complies - See discussion
Clause 7.7 Servicing	Complies

**Clause 2.3 Permissibility**

The proposed development is defined as a 'dual occupancy' under Penrith Local Environmental Plan 2010, which is a permissible land use in the R2 zone with Council consent.

**Clause 2.3 Zone objectives**

The subject site is zoned R2 Low Density Residential under Penrith Local Environmental Plan 2010. The proposed development is consistent with the aims and objectives of the LEP and the zone itself. Most notably, the development provides for greater housing choice and allows for a variety of housing types in the area.

**Clause 2.6 Subdivision - consent requirements**

The application proposes the subdivision of land, which is permissible under *Clause 2.6 Subdivision - Consent Requirements* of Penrith Local Environmental Plan 2010 with Council consent. Application of *Clause 4.4(4)* of Penrith LEP 2010 negates the need for strata subdivision to comply with minimum lot sizes. As such, it is considered the development complies in this regard.

**Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings**

Penrith Local Environmental Plan 2010 states the minimum lot site for an attached dual occupancy in the R2 zone is 650m<sup>2</sup>. The subject site is 661m<sup>2</sup> in area and therefore complies in this regard.

**Clause 4.3 Height of buildings**

The maximum permitted height of buildings in the R2 zone under Penrith LEP 2010 is 8.5m. The application proposes a maximum height of 8.48m and therefore complies in this regard.

**Clause 5.9 Preservation of trees or vegetation**

The application does not propose the removal of any significant trees or vegetation. Landscaping will be provided as part of the proposal. A number of trees and shrubs will be provided in order to ensure that the proposed development will contribute to the established garden character of the street. The application proposes 2 x 6m-8m high trees at the site frontage and 2 x 6m-8m high trees at the rear of the site. Smaller shrubbery is proposed at the front of the property. As such, the application is considered to comply in this regard.

## Section 79C(1)(a)(iii) The provisions of any development control plan

### Development Control Plan 2010

Provision	Compliance
Part B - DCP Principles	Complies
Part C 1 - Site planning and design principles	Complies
Part C2 - Vegetation management	Complies
Part C3 - Water management	Complies
Part C4 - Land management	Complies
Part C5 - Waste management	Complies
Part C6 - Landscape design	Complies
Part C7 - Culture and heritage	N/A
Part C8 - Public domain	N/A
Part C9 - Advertising and signage	N/A
Part C10 - Transport, access and parking	Complies
Part C11 - Subdivision	Complies
Part C12 - Noise and vibration	N/A
Part C13 - Infrastructure and services	Complies
Part D2 - Residential development	Does not comply - see Appendix - Development Control Plan Compliance

## Section 79C(1)(a)(iv) The provisions of the regulations

This section is not applicable for the subject application.

## **Section 79C(1)(b)The likely impacts of the development**

### **Built and Natural Environment**

#### *Context and Setting*

The proposed development is considered to be in keeping with the existing residential amenity of the area and will maintain a consistent bulk and scale to adjoining development. The front façade incorporated into the design will minimize the bulk of the dwellings and the colours and materials selected will complement the existing character of the area. This will ensure the proposed development is compatible with the surrounding residential environment.

#### *Access and Transport*

Appropriate levels of on-site car parking will be provided for the proposed dwellings. The application proposes two garages: Unit 1 is to have 1 covered space and 1 stacked space and Unit 2 is to have 2 covered spaces. These provisions are considered appropriate for the proposed development. The development will generate minimal traffic volumes and is considered to have negligible impact on the local road system.

A key issue identified for the proposed development centered on the proximity of the proposed access driveways to an existing stormwater drainage pit. This has been resolved through an alternate driveway configuration. The proposed driveway configuration provides a suitable outcome for the development. A condition of consent requires driveways to be located a minimum of 1m from drainage lintel.

#### *Flora and Fauna*

There is no significant vegetation to be removed as part of the proposal and the site is not identified as containing any significant flora or fauna species.

The design of the development enables the provision of significant landscaping within the site.

#### *Soil*

The proposal will have no impact on soil erosion and sedimentation. Adequate sedimentation and erosion controls are proposed as part of the development.

### **Social and Economic Impacts**

It is unlikely the proposed development will generate any significant issues of public interest.

The proposal will offer increased housing choice and options.

## **Section 79C(1)(c)The suitability of the site for the development**

The site is suitable for the following reasons:

- The subject site is zoned to permit the proposed used;
- The use is compatible with surrounding/adjoining land uses;
- The site is able to drain to Council's satisfaction;
- The proposal will ensure the existing residential amenity is maintained through compliance with Council's LEP and DCP;
- The site is not identified as bushfire prone, flood prone or containing any significant flora or fauna species.

## **Section 79C(1)(d) Any Submissions**

### **Community Consultation**

In accordance with *Clause 4.4 - Notification and Advertising* of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents.

Council notified 7 residences in the area and the application was exhibited between 24.07.2015 and 07.08.2015. Council received no submissions in response

## Section 79C(1)(e)The public interest

The proposed development will not generate any significant issues of public interest. A total of seven (7) residences were notified and no submissions were made. The proposal is consistent with the objectives of relevant LEP and DCP provisions.

## Section 94 - Developer Contributions Plans

The following Section 94 plans apply to the site:

- Section 94 - Local Open Space Facilities
- Section 94 - District Open Space Facilities
- Section 94 - Cultural Facilities

The following Section 94 calculations apply to the proposed development.

<b>Calculation for Attached Dual Occupancy</b>					
<i>Open Space</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
2	x	3.1	-	3.1	3.1
<i>City Wide</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
2	x	3.0	-	3.0	3.0
<b>AMOUNT</b>					
S.94 Contribution Plans	Contribution Rate x Calculation Rate			Total	
Local Open Space	3.1 x \$666			\$2,064	
District Open Space	3.1 x \$1842			\$5,711	
Cultural Facilities	3.0 x \$143			\$429	
	<b>NET TOTAL</b>			<b>\$8,204</b>	

## Conclusion

This application has been assessed against relevant sections of the Environmental Planning and Assessment Act 1979 and is found to be satisfactory. The proposal is site responsive and complies with key development standards. Furthermore, the site is suitable for the proposed development and it is considered unlikely to have a negative impact on the surrounding properties and environment.

Therefore, the application is worthy of support, subject to recommended conditions.

## Recommendation

---

That DA 15/0792 for Demolition of Existing Dwelling, Construction of Attached Dual Occupancy and Strata Title Subdivision x Two (2) Lots at 24 Coonawarra Drive, St Clair, be approved subject to the attached conditions.

# CONDITIONS

## General

### 1 A001

The development must be implemented substantially in accordance with the following stamped approved plans, BASIX Certificate No. 649899M, the application form and any supporting information issued by Penrith City Council, except as may be amended in red on the approved plans and by the following conditions.

Drawing Title	Plan No.	Issue	Prepared By	Date
Site Plan	A-001	B	Peter Roppolo & Associates	20.07.2015
Ground Floor Plan	A-002	B	Peter Roppolo & Associates	20.07.2015
Level 1 Plan	A-003	B	Peter Roppolo & Associates	20.07.2015
Elevations Sheet 1	A-005	B	Peter Roppolo & Associates	20.07.2015
Elevations Sheet 1	A-006	B	Peter Roppolo & Associates	20.07.2015
Section Sheet	A-007	B	Peter Roppolo & Associates	20.07.2015
Sediment Control Plan	A-010	B	Peter Roppolo & Associates	20.07.2015
Strata Subdivision Plan	A-011	B	Peter Roppolo & Associates	20.07.2015
Landscape Plan	1110.L.01	A	Greenland Design	11.07.2015
Drainage Concept Plan	DG 633	-	KD Stormwater Pty Ltd	30.06.2015

### 2 A008 - Works to BCA requirements (Always apply to building works)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

### 3 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

**The development shall not be used or occupied until an Occupation Certificate has been issued.**

### 4 A046 - Obtain Construction Certificate before commencement of works

A **Construction Certificate** shall be obtained prior to commencement of any building works.

### 5 A Special - Driveways

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that the proposed driveway locations have been designed to be a minimum of 1m from the drainage lintel (measured from the top of the wing of the vehicular crossing).

### 6 A Special (BLANK) - Fencing and Retaining Walls

All fencing and retaining walls for the site shall be constructed at full cost to the property owner/developer.

## Demolition

### 7 B001 - Demolition of existing structures

The existing dwelling and ancillary structures on the subject site are to be demolished as part of the approved works.

#### 8 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

#### 9 B003 - ASBESTOS

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

**Prior to commencement of demolition works on site**, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

#### 10 B004 - Dust

Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.

#### 11 B005 - Mud/Soil

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

#### 12 B006 - Hours of work

Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and does not involve external walls or the roof, and does not involve the use of equipment that emits noise, then the demolition works are not restricted to the hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

## Environmental Matters

#### 13 D001 - Implement approved sediment& erosion control measures

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

#### 14 [D007 - Cut and fill of land requiring Validation Certificate –limited to footprint](#)

Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than 2 metres past the defined building footprint.

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for their reference.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

#### 15 [D009 - Covering of waste storage area](#)

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

#### 16 [D010 – Appropriate disposal of excavated or other waste](#)

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

## **BCA Issues**

#### 17 [E001 - BCA compliance](#)

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

#### 18 [E005 - Smoke detectors-interconnect](#)

The smoke alarms shall be interconnected so that the sounding of the alarm in one detector activates the alarm in all detectors.

## **Health Matters and OSSM installations**

#### 19 [F006 - Water tank & nuisance](#)

The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

## **Utility Services**

20 [G002 - Section 73 \(not for](#)

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

21 [G004 - Integral Energy](#)

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

## Construction

22 [H001 - Stamped plans and erection of site notice](#)

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

## 23 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

## 24 H022 - Survey

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level.

## 25 H033 – Clothes line

Clothes drying facilities are to be positioned and screened from public view.

## 26 H041 - Hours of work (other devt)

Construction works or subdivision works that are carried out in accordance with approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

## Engineering

## 27 **K201 - Infrastructure Bond**

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to the issue of any Construction Certificate. The bond and applicable fees are in accordance with Councils adopted fees and charges.

An application form together with an information sheet and conditions are available on Councils website.

Contact Penrith City Council's City Works Department on 4732 7777 or visit Penrith City Councils website for more information.

## 28 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

**Prior to the issue of a Construction Certificate**, a Section 138 Roads Act application including payment of fees shall be lodged with Penrith City Council. Penrith City Council is the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- (b) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- (c) The placement of hoardings, structures, containers, waster skips, signs, etc on the road reserve

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

1. Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. All works associated with the Roads Act approval must be completed prior to the issue of an Occupation Certificate.

## 29 **K Special (BLANK) - Roof Water Drains**

Roof water drains shall be discharged into the street gutter.

## **Landscaping**

### 30 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plans and Chapter C6 of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

### 31 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by a suitably qualified landscape professional.

### 32 L003 - Report requirement

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified landscape professional.

#### i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a suitably qualified landscape professional.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

#### ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

This report is to be prepared by a suitably qualified landscape professional.

### 33 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

### 34 L006 - Aust Standard

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

### 35 L007 - Tree protection measures—no TMP with DA

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Section F4 of Council's Landscape Development Control Plan.

### 36 L008 - Tree Preservation Order

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

## Subdivision

### 37 M008 - Linen Plan

Submission of the original Linen Plan and ten (10) copies shall be made prior to the issue of a Subdivision Certificate.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

## Development Contributions

38 [N001 - Section 94 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$5711 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

39 [N001 - Section 94 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$2064 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

40 [N001 - Section 94 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$429 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

## Payment of Fees

41 [P001 - Costs](#)

All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

42 [P002 - Fees associated with Council land \(Applies to all works & add K019\)](#)

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

## Certification

43 [Q009 - Strata Certificate](#)

A Strata Certificate shall be obtained from the Principal Certifying Authority prior to lodgement of the strata plan with the Land and Property Information division of the Department of Lands. The Strata Certificate will not be issued if any of the conditions in this consent are outstanding, or if the final Occupation Certificate for the building, the subject of the Strata Certificate, has not been issued.

44 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

45 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the dual occupancy.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2010

### D2 - Residential development

The application has been assessed against Penrith Development Control Plan 2014 which came into effect on 17 April 2015. The proposal is generally compliant with the DCP controls, however, the following matters are noted.

#### **Landscaped Area**

Penrith DCP 2014 requires dual occupancies in the R2 Zone to have a minimum landscaped area of 50%. The proposal only provides 45% landscaped area. However, given this is only a minor variation and that no significant vegetation is to be removed as part of the proposal, it is considered the proposal is satisfactory in this regard.

#### **Front and Rear Setbacks**

Clause D2.2.2.5 of Penrith DCP 2014 states front setbacks for dual occupancies must either be a minimum of 5.5m or the average setback of the immediate neighbours, whichever is the greatest dimension. The application proposes a 5.5m setback, however the immediate neighbouring properties are at least 6.5m. Although the proposed setback is less than this average, other housing setbacks in the area are inconsistent. Further, the subject site is located next to a laneway, providing separation and a transition to the next adjoining property. In addition, substantial landscaping is proposed within the front setback. Therefore, it is considered the proposed front setback will have minimal impact on the character of the area.

#### **Building Envelope and Side Setbacks**

The proposed development does not meet the building envelope requirements set out in Penrith DCP 2014. However, the DCP states that minor encroachments are permitted for eaves to main roofs. As the application proposes only a minor encroachment beyond the eaves, it is considered the development will have minimal impacts on the streetscape and surrounding properties and therefore is satisfactory in this regard.